

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

Case No.: 07CR00259-01(GAG)

LUIS CORTES-CLASS

**MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS, REQUESTING AN
ARREST WARRANT AND ORDER TO SHOW CAUSE HEARING**

**TO THE HONORABLE GUSTAVO A. GELPI
UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

**COMES NOW, Martín De Santiago, SENIOR UNITED STATES PROBATION
OFFICER OF THIS COURT, informing and requesting as follows:**

On September 4, 2008, Mr. Cortes-Class appeared before this Court for sentencing after having previously pled guilty to violating Title 21, United States Code, §§ 841(a)(1), and (b)(1)(D) and 860. Accordingly, Cortes-Class was sentenced to serve a thirty-seven (37) months term of imprisonment, to be followed by a six (6) year term of supervised release with the following special conditions: drug testing and treatment if needed; access to financial information; vocational training and/or job placement; search and seizure; and not possessing a firearm, ammunition, destructive device, or any other dangerous weapon. On June 3, 2011, Mr. Cortes-Class was released from the custody of the Bureau of Prisons, to commence serving the supervision term imposed. His supervised release term is scheduled to expire on June 2, 2017.

RELEASEE HAS INCURRED IN THE FOLLOWING VIOLATIONS OF HIS SUPERVISED RELEASE TERM:

1. MANDATORY CONDITION: “THE DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE, OR LOCAL CRIMES”

2. SPECIAL CONDITION: “THE DEFENDANT SHALL NOT POSSESS A FIREARM, AMMUNITION, DESTRUCTIVE DEVICE, OR ANY OTHER DANGEROUS WEAPON.”

On August 7, 2013, the Search and Seizure condition was enforced by the U.S. Probation Office. During the search, a loaded Smith & Wesson, model MP40, pistol with a loaded magazine with an assortment of .40 caliber rounds were seized. The offender voluntarily admitted ownership of the aforementioned loaded firearm.

3. STANDARD CONDITION NO. 2 - “THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH.”

4. STANDARD CONDITION NO. 3 - “THE DEFENDANT SHALL ANSWER TRUTHFULLY ALL INQUIRES BY THE PROBATION OFFICER AND FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICER.”

5. STANDARD CONDITION NO. 11 - “THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER WITHIN SEVENTY-TWO HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER.”

The offender failed to report to his U.S. Probation Officer, upon questioning, as well as writing in his Monthly Supervision Reports that he had been driving a 2005 Toyota Corolla as previously observed by a United States Probation Officer as well as evidenced by the seized traffic violation citations in his vehicle. Mr. Cortes-Class also failed to report he was questioned by local law enforcement for traffic violations. He also voluntarily admitted that he does not have a valid driver's license.

I declare under penalty of perjury that the foregoing is true and correct.

WHEREFORE, based on Mr. Cortes-Class's non-compliance with his conditions of release, it is respectfully requested that a warrant of arrest be issued so that the offender may be brought before this Court to Show Cause why his supervision term should not be revoked.

In San Juan, Puerto Rico, this 7th day of August 2013.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Martín De Santiago
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 7, 2013, I electronically filed the foregoing motion with the Clerk of the Court using the EM/ECF system which will send notification of such filing to all the pertinent parties.

In San Juan, Puerto Rico this 7th day of August 2013.

s/Martín De Santiago
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